

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

James Oliver Romine,

Plaintiff,

v.

James Nicholas Stanton,

Defendant.

No. CV-16-00604-PHX-JJT

ORDER

At issue are *pro se* Plaintiff James Oliver Romine's Motion for Leave to File Amendment to Motion in Response to Motion to Dismiss Plaintiff's Original Complaint (Doc. 22), Motion for Leave to File Excess Pages of Amendment to Motion in Response to Motion to Dismiss Plaintiff's Original Complaint (Doc. 23), and Motion for Leave to File a Supplemental Memorandum in Support of Amended Motion in Response to Defendant's Motion to Dismiss Original Complaint (Doc. 27), to which Defendant James Nicholas Stanton filed a Response in Opposition (Doc. 29).

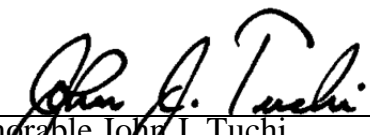
Defendant's Motion to Dismiss (Doc. 19) and Plaintiff's original Response thereto (Doc. 20) were filed on the same day. The next day, Plaintiff filed his first motion to amend as well as a motion to exceed the page limit (Docs. 22, 23), both in order to amend his Response. Because Plaintiff lodged his amended Response (Doc. 24) immediately after filing his original Response and Defendant considered the amendment in preparing his Reply, the Court will grant Plaintiff's first motion to amend and motion to exceed the page limit (Docs. 22, 23).

1 However, Plaintiff filed another motion to amend his Response (Doc. 27) after
2 receiving Defendant's Reply, and Defendant objects (Doc. 29) on the grounds that
3 Plaintiff's second amendment is an impermissible Sur-Reply and does nothing but repeat
4 arguments made in the previous Responses. The Court agrees with Defendant. The Local
5 Rules of Civil Procedure do not permit a Sur-Reply, *see* LRCiv 7.2, and Plaintiff does not
6 argue that Defendant impermissibly made new legal arguments in his Reply, which might
7 have warranted a Sur-Reply. Accordingly, the Court must deny Plaintiff's second motion
8 to amend his Response (Doc. 27).

9 **IT IS ORDERED** granting Plaintiff's Motion for Leave to File Amendment to
10 Motion in Response to Motion to Dismiss Plaintiff's Original Complaint (Doc. 22) and
11 Motion for Leave to File Excess Pages of Amendment to Motion in Response to Motion
12 to Dismiss Plaintiff's Original Complaint (Doc. 23). The Clerk of Court shall file on the
13 docket the document currently lodged at Doc. 24.

14 **IT IS FURTHER ORDERED** denying Plaintiff's Motion for Leave to File a
15 Supplemental Memorandum in Support of Amended Motion in Response to Defendant's
16 Motion to Dismiss Original Complaint (Doc. 27).

17 Dated this 28th day of June, 2016.

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21 Honorable John J. Tuchi
22 United States District Judge
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